HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition(S) No.7415 of 2007

Petitioners

1. Khel Singh Tandan S/o Shri Daya Das Tandan Age about 42 years, Asstt. Teacher, Govt. Primary School, Tandul, Block- Arang, Distt. – Raipur (C.G.)
2. Anil Kumar Kurre S/o Shri Chait Ram Kurre Age about 50 years, Asstt. Teacher, Govt. Primary School, Nawagaon Block- Arang, Distt.- Raipur (C.G.)
3. Lure Das Chandane S/o Shri Kahen Ram Chandane, Age about 44 years, Asstt. Teacher, Govt. Middle School, Tandul, Block- Arang, Distt.- Raipur (C.G.)
4. Ashok Kumar Mehre S/o Shri Punu Lal Mehre Age about 47 years, Asstt. Teacher Govt. Primary School, Semariya Block- Arang, Distt.- Raipur (C.G.)
5. Vijay Kumar Chandrakar, S/o Shri Shyam Lal Chandrakar, Age about 43 years, Asstt. Teacher, Govt. Primary School, Chhatauna (Mandir Hasaud) Block- Arang, Distt. – Raipur (C.G.)
6. Harakh Ram Jangade S/o Shri Amaru Ram Jangade Age about 46 years, Asstt. Teacher Govt. Primary School, Godi Block- Arang, Distt. – Raipur (C.G.)
7. Chhagan Lal Sonwani, S/o Late Shri H.R. Sonwani, Age about 44 years, Asstt. Teacher, Govt. Primary School, Bhanpuri, Block- Dharsiva, Distt. – Raipur (C.G.)
8. Ramkumar Verma S/o Shri Bishram Singh Verma Age about 51 years, Asstt. Teacher, Govt. Primary School, Mungesar, Block- Arang, Distt. – Raipur (C.G.)
9. Pawan Kumar Verma S/o Shri Radheshyam Verma Age about 44 years, Asstt. Teacher, Govt. Primary School, Mungi Block- Arang, Distt. – Raipur (C.G.)

10. Karan Singh Mirche S/o Shri Dukalharam Mirche, Age about 43 years, Asstt. Teacher, Govt. Primary School, Nardaha, Block- Arang, Distt. – Raipur (C.G.)
11. Puranik Ram Sahu S/o Shri Vishram Sahu Age about 44 years, Asstt. Teacher, Govt. Primary School, Baraonda, Block – Arang, Distt.- Raipur (C.G.)
12. Gulab Singh Dhruw S/o Shri Birjhu Ram Dhruw, Age about 41 years, Asstt. Teacher, Govt. Primary School, Chhatera, Block – Arang, Distt. – Raipur (C.G.)
13. Chandrika Prasad Banjare S/o Shri Hirau Ram Banjare, Age about 42 years, Asstt. Teacher, Govt. Primary School, Bancharoda, Block – Arang, Distt. – Raipur (C.G.)
14. Rakesh Kumar Bansode S/o Late Shri Ram Bansode, Age about 45 years, U.D.T., Govt. Hr. Sec. School, Nardaha, Block – Arang, Distt.- Raipur (C.G.)
15. Smt. Smriti Pandey, (Now) W/o Shri Jayant Kumar Pandey, Age about 40 years, Asstt. Teacher, Govt. Middle School, Nardaha, Block – Arang, Distt. – Raipur (C.G.)
16. Smt. Lili Grace Ekka W/o Shri Vimal Ekka, Age about 42 years, Asstt. Teacher, Govt. Middle School, Semariya, Block – Arang, Distt. – Raipur (C.G.)
17. Sahdev Kumar Verma S/o Shri Ganesh Ram Verma Age about 47 years, Asstt. Teacher Govt. Primary School, Mungi, Block- Arang, Distt. – Raipur (C.G.)
18. Ragunath Verma S/o Shri Tekan Verma Age about 48 years, Asstt. Teacher, Govt. Primary School, Mungi, Block – Arang, Distt. – Raipur (C.G.)
19. Rajendra Das Chaturvedi, S/o Shri Ferha Ram Chaturvedi, Age about 48 years, Asstt. Teacher Govt. Middle School, Ganaod, Block – Arang, Distt. – Raipur (C.G.)

(55)

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Versus

Respondents

1. State Government of Chhattisgarh Through:- Secretary, Tribal & Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. District Education Officer Distt.- Raipur (C.G.)
3. Block Education Officer, Block- Arang/Dharsiva, Distt. – Raipur (C.G.)

Writ petition under Article 226 of the Constitution of India

Appearance:

Shri Somkant Verma, counsel for the Petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State/ respondents on advance copy

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ORAL ORDER
(13.12.2007)

Sunil Kumar Sinha, J.

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/ Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another (W.P.(S) No. 813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (Supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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